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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

EDWARD ALVARADO, et al.,

## Plaintiffs,

V.

FEDEX CORPORATION d/b/a/ FEDEX  
EXPRESS.

Defendant.

Case No. C 04-0098-SI; 04-0099-SI

**STIPULATION AND [PROPOSED]  
ORDER TO EXTEND HEARING DATE  
ON MOTION FOR LEAVE TO FILE  
AMENDED FEE PETITION PURSUANT  
TO LOCAL RULE 7-7(a)**

Hearing Date: December 16, 2010  
Time: 9:00 a.m.  
Courtroom: 10 (19th Floor)  
Judge: Honorable Susan Illston

1 **STIPULATION**

2 Pursuant to Civil Local Rule 7-7(a), former plaintiffs' counsel, Waukeen Q. McCoy, and  
3 Defendant Federal Express Corporation ("FedEx"), by and through their respective counsel of  
4 record, stipulate and agree as follows:

5 A. On July 29, 2010, the Court entered an order setting for hearing on December 16,  
6 2010 Mr. McCoy's motion for leave to file an amended fee petition (Dkt. No. 1578);

7 B. The Court's briefing schedule sets the due dates for the motion, opposition and  
8 reply to be September 24, 2010, October 29, 2010 and Nov. 12, 2010, respectively;

9 C. Mr. McCoy and FedEx are currently scheduled to participate in a mediation on  
10 September 10, 2010 that may need eliminate the need for said motion;

11 D. Mr. McCoy and FedEx have therefore agreed to jointly request a postponement of  
12 the December 16, 2010 hearing and a 30-day extension of time on their respective briefing  
13 deadlines on Mr. McCoy's motion for leave to file an amended fee petition;

14 E. Postponing the hearing will not alter any other Court dates set in this matter.

15 NOW, THEREFORE, THE PARTIES AGREE AND STIPULATE as follows:

16 1. The filing deadline for Mr. McCoy's motion for leave to file an amended fee  
17 petition shall be October 25, 2010.

18 2. The filing deadline for FedEx's opposition to Mr. McCoy's motion for leave to file  
19 an amended fee petition shall be November 29, 2010.

20 3. The filing deadline for Mr. McCoy's reply to FedEx's opposition shall be December  
21 13, 2010.

22 4. The hearing date on Mr. McCoy's motion for leave to file an amended fee petition  
23 shall be on a date established by the Court on or after January \_\_\_, 2011.

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1 IT IS SO STIPULATED.  
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3 DATED: August 30, 2010 COBLENTZ, PATCH, DUFFY & BASS LLP  
4

5 By: /s/ Mario A. Moya  
6 Mario A. Moya  
7 Attorneys for WAUKEEN Q. McCOY  
8

9 DATED: August 30, 2010 FEDERAL EXPRESS CORPORATION  
10

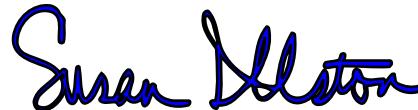
11 By: /s/ Frederick L. Douglas  
12 Frederick L. Douglas  
13 Attorneys for Defendant  
14 FEDERAL EXPRESS CORPORATION  
15

**ORDER**

16 The hearing date on Mr. McCoy's motion for leave to file an amended fee petition is re-set  
17 to Jan. 21, 2011. The respective deadlines for the motion, opposition, and reply are  
18 hereby reset as set forth above.  
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20 IT IS SO ORDERED  
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22 DATED:                   , 2010  
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25 Hon. Susan Illston  
26 United States District Judge  
27 Northern District of California  
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ATTESTATION PER GENERAL ORDER 45, § X.B.

I hereby attest that Frederick L. Douglas, counsel for Defendant, concurs in the filing of this document, and that I have on file all holographic signatures for any signatures indicated by a "conformed" signature (/s/) within this e-filed document.

6 DATED: August 30, 2010 COBLENTZ, PATCH, DUFFY & BASS LLP

## COBLENTZ, PATCH, DUFFY & BASS LLP

By: /s/ Mario A. Moya  
Mario A. Moya  
Attorneys for WAUKEEN Q. McCLOY